

## REMARKS

Entry of this Amendment and reconsideration is respectfully requested in view of the remarks made herein.

Claims 1-11 are pending and stand rejected.

Claims 5 and 11 are objected to for containing informalities. More specifically, the Office Action states that the term "disjunct" in the claims should be "disjunctive."

Applicant thanks the examiner for his observation. However, applicant respectfully disagrees with the reason for objecting to the claims.

More specifically, applicant has searched internet web sites dedicated to dictionary functions and has found that the internet website

"<http://dictionary.reference.com/search?q=disjunct>"

shows the definition of the term "disjunct" to be:

adj 1: progressing melodically by intervals larger than a major second [ant: conjunct] 2: having deep constrictions separating head, thorax, and abdomen, as in insects **3: marked by separation of or from usually contiguous elements; "little isolated worlds, as abruptly disjunct and unexpected as a palm-shaded well in the Sahara"**- Scientific Monthly [syn: isolated] 4: used of distributions, as of statistical or natural populations; "disjunct distribution of king crabs"(emphasis added).

Accordingly, based on the definition provided by the referred to dictionary web site, applicant submits that the term "disjunct" is appropriate in the context of the subject matter claimed and elects not to amend the claims as suggested.

Having shown that the term "disjunct" is appropriate in the context of the subject matter claimed, applicant submits that the reason for the objection has been overcome and respectfully requests that the objection be withdrawn.

Claims 1-11 are rejected under the judicially created doctrine of double patenting over claims 2-4, 8-9 and [sic] US Patent application no. 09/310,086.

Applicant respectfully disagrees with, and explicitly, traverses, the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, applicant has elected to file a Terminal Disclaimer, herewith, limiting the term of any patent that may issue from the instant application to the termination date of the patent that may issue from USPA 09/310,086. However, in the event that no patent ever issues from

USPA 09/310,086, applicant reserves the right to withdraw the Terminal Disclaimer and retain the expected termination date based on the filing date of the instant application.

Having provided a Terminal Disclaimer, applicant submits that the reason for the rejection has been overcome. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claims 1-3, 5, and 7-10 stand rejected under 35 USC 102(b) as being anticipated by Kaneda (USP no. 5,208,864).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference.

Kaneda teaches a method of detecting an acoustic signal, wherein first and second sound receiving units are located at substantially the same position and are used to output signals having different target signal power to noise power ratios. When differences between the powers of the signals output from the first and second sound receiving units falls within a predetermined range, reception of the target signal within the given period is discriminated. (see Abstract).

More specifically, Kaneda teaches a system of receiving a signal over a plurality of input devices wherein each input device is preceded by filter  $h_1$ - $h_m$  (see Fig. 12). The filter coefficients are then adjusted to minimize the noise component of the received input signal (see col. 8, lines 10-32, which state, in part, "[w]hen outputs from the M microphone elements are denoted as  $U_1$  to  $U_M$ , and characteristics of the filters  $53_1$  to  $53_M$  are given as  $h_1$  to  $h_M$ , a power  $x_1^2$  of the signal is represented as follows: ... Judging from equations (2) and (3) the power  $n^2$  of the noise component contained in the output signal  $x_1$  is a second order function ... Therefore, filter control for minimizing the power  $n^2$  of the noise component under the constraint results in well-known minimization problem." Kaneda further discloses that "[s]ince the signal  $v_1$  to  $v_{M-1}$  contains the sole noise components. The noise component contained in signal  $u_1$  is not affected by the subtracting operation... This means that the operation of the adaptive filters for

minimizing the power of the output ... minimizes the power of the noise component contained in the output ... Thus, it is to be understood that the adaptive microphone array structure shown in Fig. 21 is a method for minimizing the noise component under the condition of  $x_1 = s$ ." (see col. 9, lines 15-24).

The Office Action states that Kaneda teaches a "controller that causes the processor to maximize (by minimizing a power of the noise equal to 0 and then the speech signal becomes maximizing and see col. 7, line 58-col.8, line 35).

However, contrary to the statements made in the Office Action, Kaneda cannot be said to anticipate the present invention. The present invention, as recited in claim 1 for example, describes a system wherein "a controller that causes the processor to maximize a power measure of the combined audio signal ... [and] limit a combined power gain measure of the processed audio signals to a predetermined value." Kaneda discloses a system that maximizes the power of a signal portion of an input signal by reducing the noise component in each of the input audio components. However, Kaneda fails to teach or suggest limiting a combined gain measure of the processed signal to a predetermined value, as is recited in the claims.

The Office Action refers to  $U_1-U_m$  of Kaneda as describing the element "limiting the combined power gain measure of the processed audio signals to a predetermined value without measuring," as is recited in the claims. However, Kaneda teaches that  $U_1-U_m$  refers to the outputs of the M microphone elements (see col. 8, lines 10-11) and nowhere does Kaneda describe limiting the combined power gain measure to a predetermined value. Rather Kaneda merely teaches maximizing the signal portion of an input signal by reducing the noise component without any consideration or teaching of limiting the maximum gain to a predetermined value. Accordingly, Kaneda cannot be said to anticipate the present invention as Kaneda fails to disclose each and every element recited in the claims.

Having shown that Kaneda fails to disclose each and every element claimed, applicant submits that the reason for the rejection of the claim has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claims 8, 9 and 10, these claims were rejected for the same reason recited in rejecting claim 1. Thus, the remarks made in response to the examiner's rejection of claim 1 are also applicable in response to the rejection of claims 8-10. Accordingly, applicant submits that in view of the remarks made with regard to the rejection of claim 1, which are repeated herein in response to the rejection of claims 8-10, the reason for rejecting claims 8-10 has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to claims 2, 3, 5, and 7, these claims ultimately depend from claim 1 which has been shown to contain subject matter not disclosed in the cited reference. Accordingly, these claims also contain subject matter not disclosed in the cited reference by virtue of their dependency upon claim 1. Hence, for the same remarks recited with regard to claim 1, applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claim 4 stands rejected under 35 USC 103(a) as being unpatentable over in view of [sic] Kaneda [further] in view of Kellerman (USP no. 5,602,963). Claim 6 stands rejected under 35 USC 103(a) as being unpatentable over Kaneda in view of Kaneda (USP no. 4,536,887). Claim 11 stands rejected under 35 USC 103(a) as being unpatentable over Kaneda ('864) in view of Anderson (USP no. 6,237,887).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. The aforementioned claims are each dependent from the independent claims discussed above and are therefore believed patentable as each of the cited references fails to correct the deficient shown to exist in the Kaneda reference.

As these dependent claims are also deemed to define an additional aspect of the invention, individual consideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski  
Registration No. 42,079



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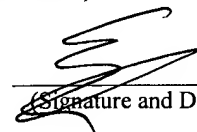
By: Steve Cha  
Attorney for Applicant  
Registration No. 44,069

**Mail all correspondence to:**  
Dan Piotrowski, Registration No. 42,079  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
Phone: (914) 333-9624  
Fax: (914) 332-0615

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Steve Cha, Reg. No. 44,069  
(Name of Registered Rep.)



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(Signature and Date)